

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 26, 2006 PLANNING COMMISSION MEETING

P.A.S.: County Special Permit #06023

PROPOSAL: To allow a 498' radio tower

LOCATION: Southeast of the intersection of South 54th Street and Pella Rd.

LAND AREA: A 20.00 acre parcel.

CONCLUSION: The tower appears to be justified to accommodate this radio carrier, and this request complies with the requirements of the Zoning Regulations and the Comprehensive Plan.

RECOMMENDATION:

County Special Permit #06023

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: The north 990 feet of the west 880 feet of the Northwest Quarter of Section 28, T7N, R7E of the 6th PM., Lancaster County, NE

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Agriculture

SURROUNDING LAND USE AND ZONING:

North:	Agriculture	AG
South:	Agriculture	AG
East:	Agriculture	AG
West:	Agriculture, one house	AG

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The 2025 Comprehensive Plan's Land Use Plan designates agricultural land uses in this area.

Page F126 - Wireless Telecommunications - The placement and construction of such facilities need to occur in a way that is compatible with the natural and built environment. Taller, more intensive facilities should be located in commercial and industrial areas. Facilities in residential areas should be unobtrusive, of a scale consistent with the neighborhood setting, and sited in a way that does not detract from the enjoyment of the neighborhood by its residents.

TOPOGRAPHY: The land is rolling farmland in this area. Flood plain covers a small portion of southeast corner of this parcel.

TRAFFIC ANALYSIS: The access to the tower site is off of S. 54th Street, a gravel county road. Pella Road is a gravel county road.

ANALYSIS:

1. This is a request for a 498' tall guyed radio tower. This is being requested under the provisions of a radio tower (Art 13.001 (13), not a wireless tower. The requirements for a radio tower in the County Zoning Resolution are as follows;

13) Radio and television towers and stations, and television facilities. A special permit may be granted in any district to allow such facilities under the following conditions:

- a) The towers shall comply with all applicable governmental regulations and standards.

FAA and FCC permits are requested

- b) The towers may exceed the maximum height for the district in which they are located.

The AG district height is 35'. This is requesting 498'.

- c) The application shall be accompanied by the following information:

- (1) A site plan showing site boundary, locations of the proposed towers, guy wire anchors, nearby structures, tower design and building materials, equipment to be attached to the towers and setbacks from the site boundary; and landscaping as appropriate for the site;

The site plan shows all information except the setbacks which are 50' along Pella Road and S. 54th Street and 60' along the south and east side. The south guy line anchor is in the required side yard setback.

- (2) A statement indicating proposed measures designed to minimize potentially adverse visual effects on adjacent properties with consideration given to their unobtrusiveness, minimum height necessary to accommodate planned equipment, avoidance of artificial light and coloring provisions;

The tower is to be galvanized steel. Lighting will meet FAA regulations including white strobes during daylight and red lights at night.

(3) If towers are located within one mile of any existing tower, the applicant shall demonstrate that existing towers cannot accommodate the communication equipment planned for the proposed towers.

The distance to other towers is not noted. The map enclosed show two towers a small distance to the east. (One is for the railroad and one is a wireless facility)

d) The towers shall be set back from abutting public streets by a distance equal to or greater than the tower height. The distance between towers and the site boundary shall be equal to or greater than 50% of the tower height. The distance between tower anchors and the site boundary shall be equal to or greater than the setback requirements established in the underlying zoning district. The County Board may grant a reduction in the required setbacks when it finds that such reduction shall not adversely affect adjacent properties and is consistent with the intent of this resolution to promote health, safety, morals and general welfare of residents in the County.

All setbacks and fall zones are meet except, the southeast anchor is in the side yard setback. The tower and anchors appear to be able to be rotated or relocated to show the anchor outside of the setback.

e) The towers shall not be painted with bright colors or equipped with lights unless specifically required by the government for safety reasons. If required by the government, the lights shall not exceed its minimum standards.

The tower is to be galvanized steel. Lighting will meet FAA regulations including white strobes during daylight and red lights at night.

f) To prevent vandalism or injuries, adequate security measures shall be provided around the tower base. (Resolution No. 4567, November 21, 1989)

A six foot cyclone fence surrounds the tower base.

2. The applicant notes provision is made to accommodate at least two additional comparable providers.
3. Norris Public Power and Alltel are requesting easements.

CONDITIONS:

Site Specific:

1. This approval permits a 498' radio broadcast tower capable of accommodating at least three carriers consistent with the site plan submitted. The tower shall have a galvanized finish, and the required lighting will consist of white lights during the day and red lights at night. The anchors shall be located outside all yard setbacks.

General:

2. Before receiving building permits:
 - 2.1 Revise the site plan to show all anchors outside of the required yard setbacks.
 - 2.2 Provide the easements requested by Norris Public Power.
 - 2.3 The permittee shall have submitted 5 copies of the final plans and the plans are acceptable.
 - 2.4 The construction plans shall comply with the approved plans.
 - 2.5 A surety approved by the County Attorney in an amount sufficient to guarantee removal of the facility.

Standard:

3. The following conditions are applicable to all requests:
 - 3.1 Before use of the facility all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 3.5 The applicant shall sign and return the letter of acceptance to the County Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
Planner
April 11, 2006

APPLICANT: American Family Association, Inc
107 Parkgate Drive
Tupelo, MS 38801
(662) 844-8888 ext 258

OWNER: Calvin F and Bonnie Paschold
27100 South 38th St.
Firth, NE 68358
(422) 791-5717

CONTACT: Don Locke
American Family Association, Inc
107 Parkgate Drive
Tupelo, MS 38801
(662) 844-8888 ext 258



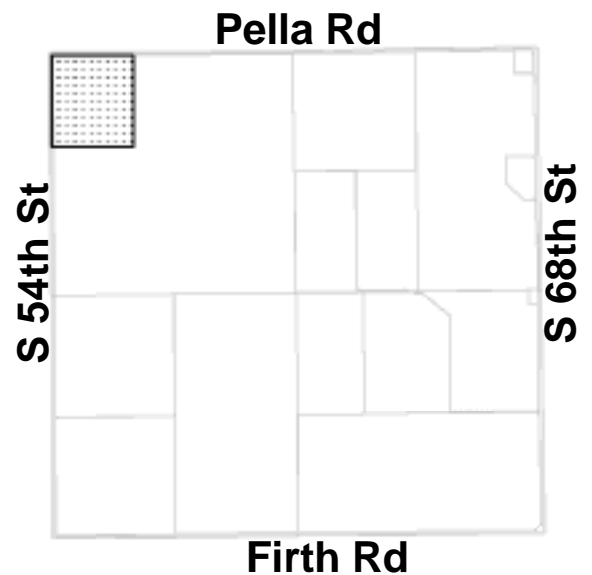
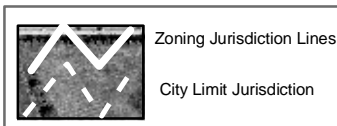
2005 aerial

County Special Permit #06023 S 54th St & Pella Rd

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 28 T07N R07E



LEGAL DESCRIPTION

Reference to the location of the subject land is made to the Survey of the Township of Pella, Range 1 East of the 4th Principal Meridian, County of Lincoln, Nebraska, containing the same as shown on the map of the Township of Pella, Nebraska, filed for record in the County of Lincoln, Nebraska, on the 10th day of March, 1906.

SURVEYORS NOTES

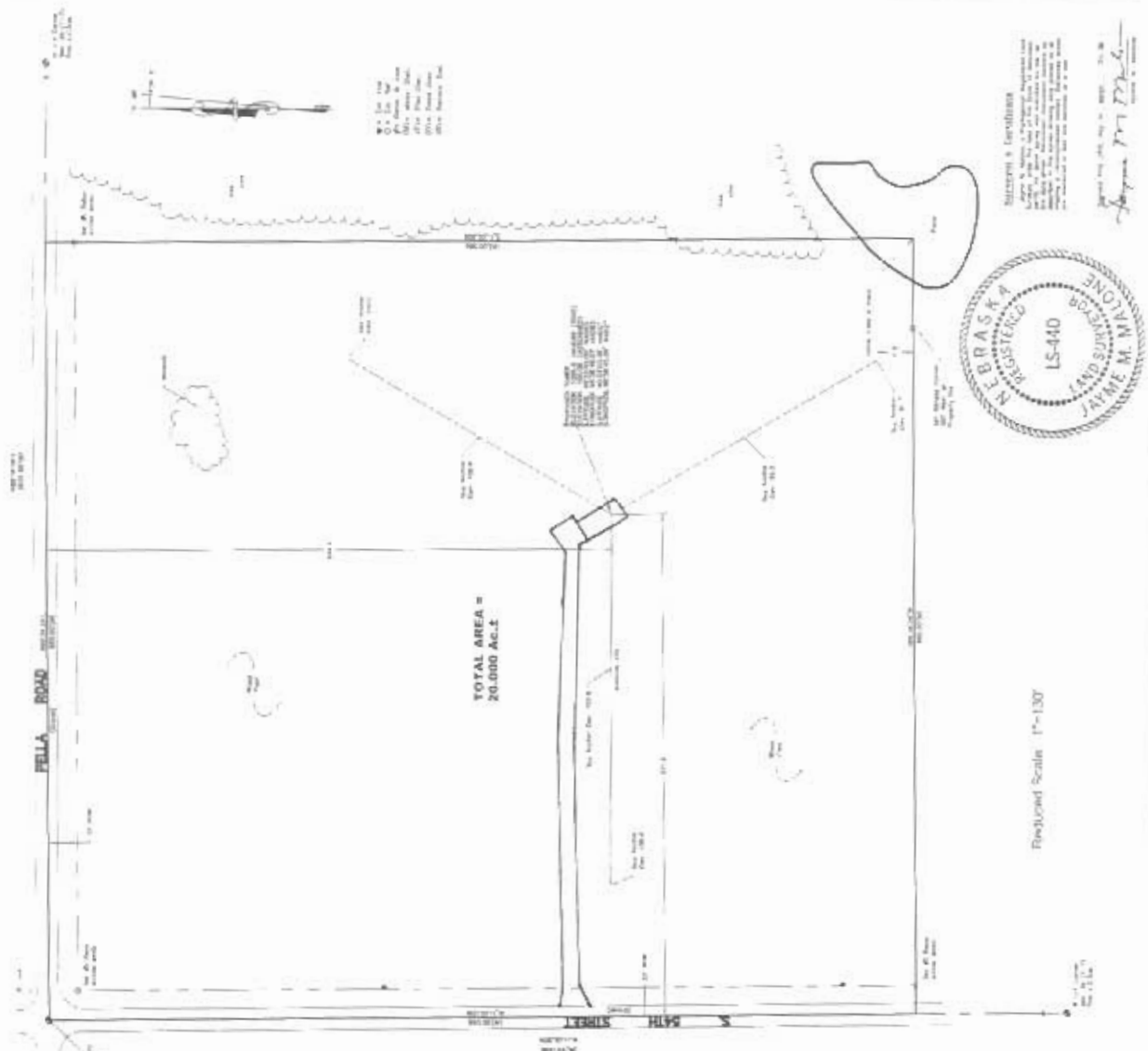
1. ALL SURVEYED CORNERS HAVE BEEN LOCATED BY THE SURVEYOR.
2. THIS SURVEY WAS MADE BY THE SURVEYOR AND A FIELD ASSISTANT, WHOSE NAMES ARE SUBMITTED TO THE COUNTY CLERK FOR RECORD.
3. THIS SURVEY WAS MADE BY THE SURVEYOR AND A FIELD ASSISTANT, WHOSE NAMES ARE SUBMITTED TO THE COUNTY CLERK FOR RECORD.



Survey Information
All Agriculture
Fence Section = 30'
Side Section = 60'
Post Section = 100'

Field Information
Property is in the
Zone 7C-10
Determined by FEMA
Flood Risk Map No.
17182-1-0101
Effective 10/1/01

VICINITY MAP



Surveyors & Landowners
Jayme M. Malone
LS-440
Nebraska Land Surveyors

Surveyed by Jayme M. Malone
LS-440
Nebraska Land Surveyors

AMERICAN
FAMILY RADIO
401 Industrial Road
Lincoln, NE 68502
Tel: (402) 441-1111
Fax: (402) 441-1111

REVISIONS
1. 1/1/06
2. 1/1/06
3. 1/1/06
4. 1/1/06
5. 1/1/06
6. 1/1/06
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9. 1/1/06
10. 1/1/06

CITY NAME
FIRTH, NE

CITY ADDRESS
S. 54TH STREET &
PELLA ROAD,
FIRTH, NE

DESIGNER
LAND SURVEY

DATE OF SURVEY
1/1/06
1/1/06
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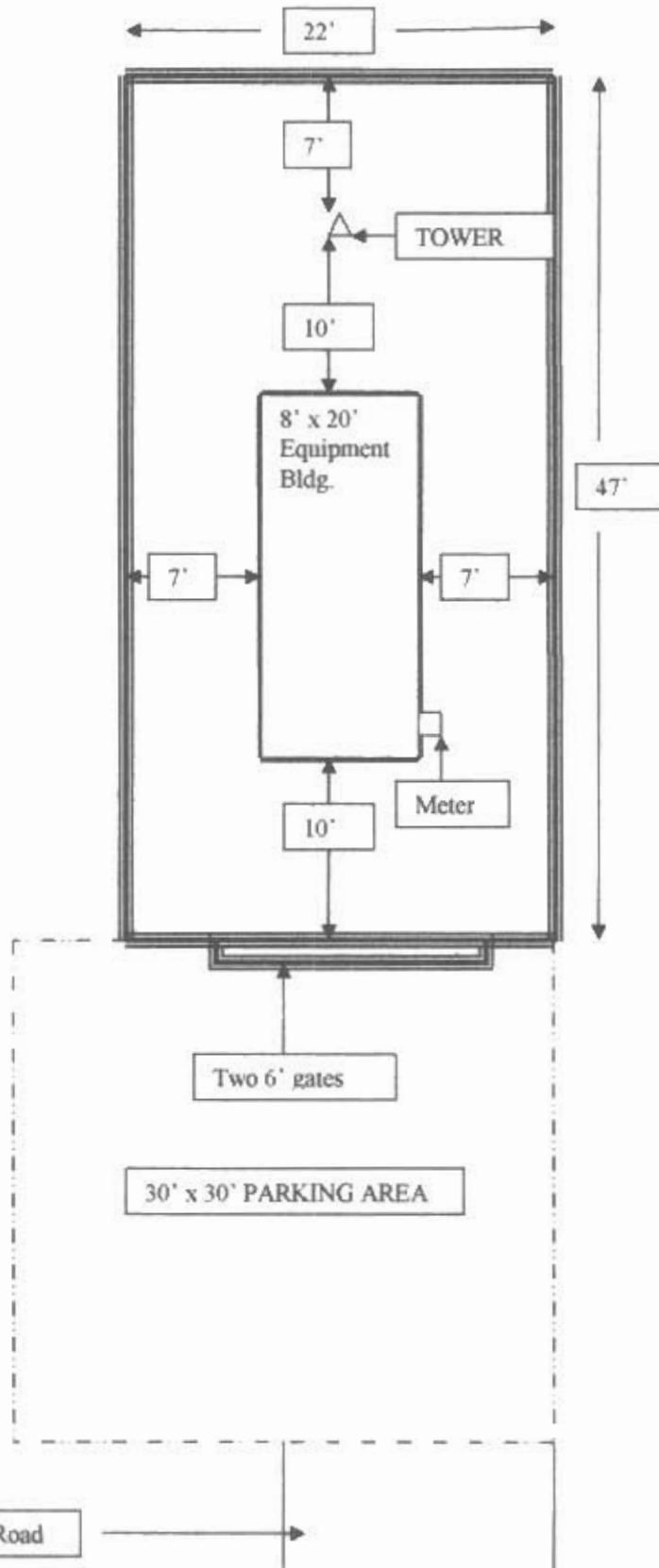
County Special Permit #06023
S 54th St & Pella Rd

AMERICAN FAMILY RADIO, KNBE, Beatrice, NE
Tower Site Compound



Scale: 1" = 10'

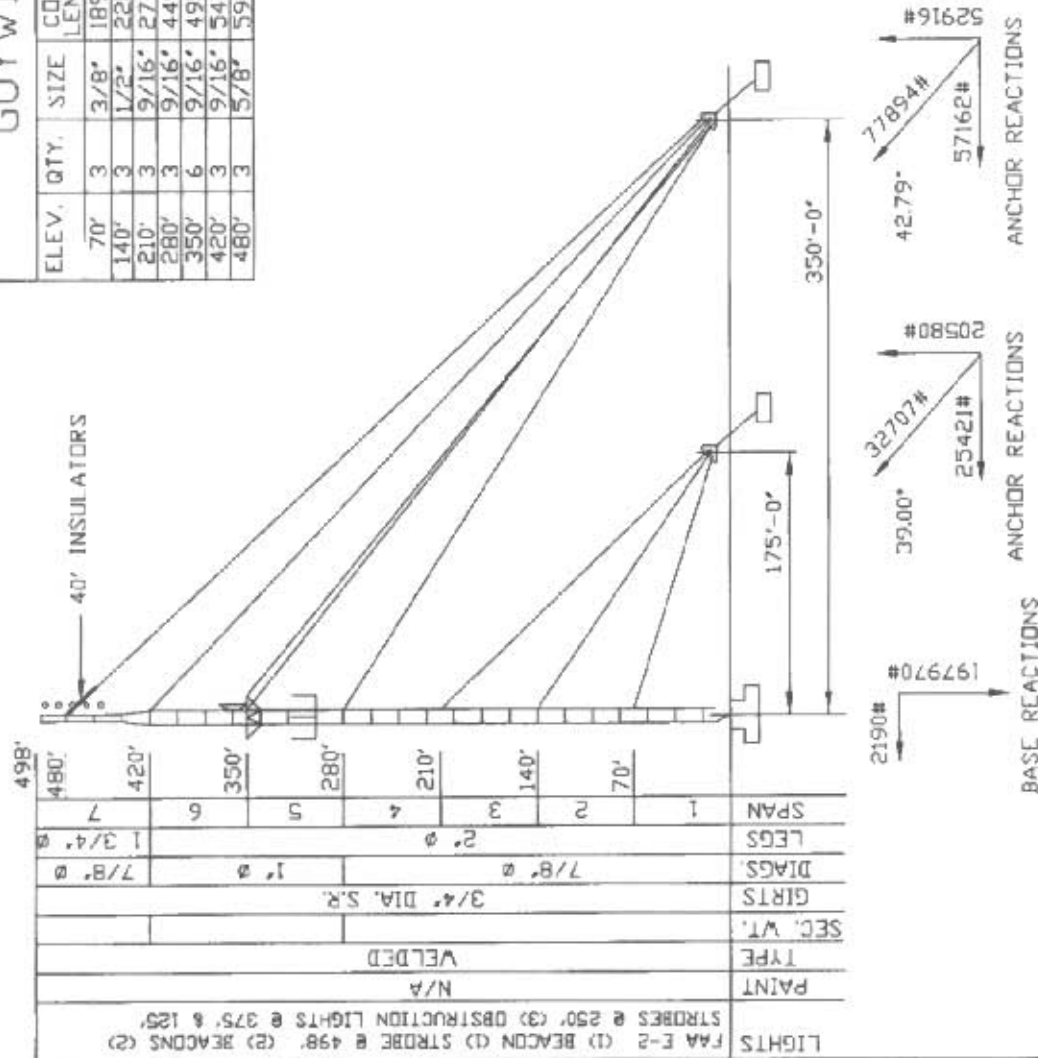
 Fence



County Special Permit #06023
S 54th St & Pella Rd

County Special Permit #06023 S 54th St & Pella Rd

GUYWIRES					ANTENNAS			
ELEV.	QTY.	SIZE	CORD LENGTH	CUT LENGTH	INITIAL TENSION	TYPE ANTENNA	ELEV.	LINE
70'	3	3/8"	189'	209'	1540#	(1) SHIVELY	468'	1 5/8" HELIAX
140'	3	1/2"	225'	245'	2690#	6513 5-BAY		
210'	3	9/16"	274'	294'	3500#	(1) ANDREW 8'	358'	1 5/8" HELIAX
280'	3	9/16"	449'	469'	3500#	GRID DISH		
350'	6	9/16"	495'	515'	3500#	(3) CELLWAVE	300'	(3) 7/8" HELIAX
420'	3	9/16"	547'	567'	3500#	PD220		
480'	3	5/8"	595'	595'	4240#			



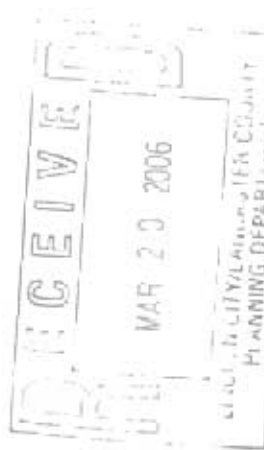
GENERAL NOTES:

1. TOWER IS DESIGNED PER ANSI/TIA/EIA 222-F AND AISC REQUIREMENTS FOR 100 MPH WIND SPEED AT ELEV. 33 FT. WITH NO RADIAL ICE. A WIND REDUCTION HAS BEEN TAKEN TO 87 MPH WITH THE 1/2" ICE LOAD. WIND IS APPLIED TO TOWER, GUYWIRES, ACCESSORIES, ANTENNAS AND LINES.

2. TOWER STEEL MIN. STEEL YIELD LEGS ARE 50 KSI. MIN. ALL OTHER STEEL IS 36 KSI. MIN.

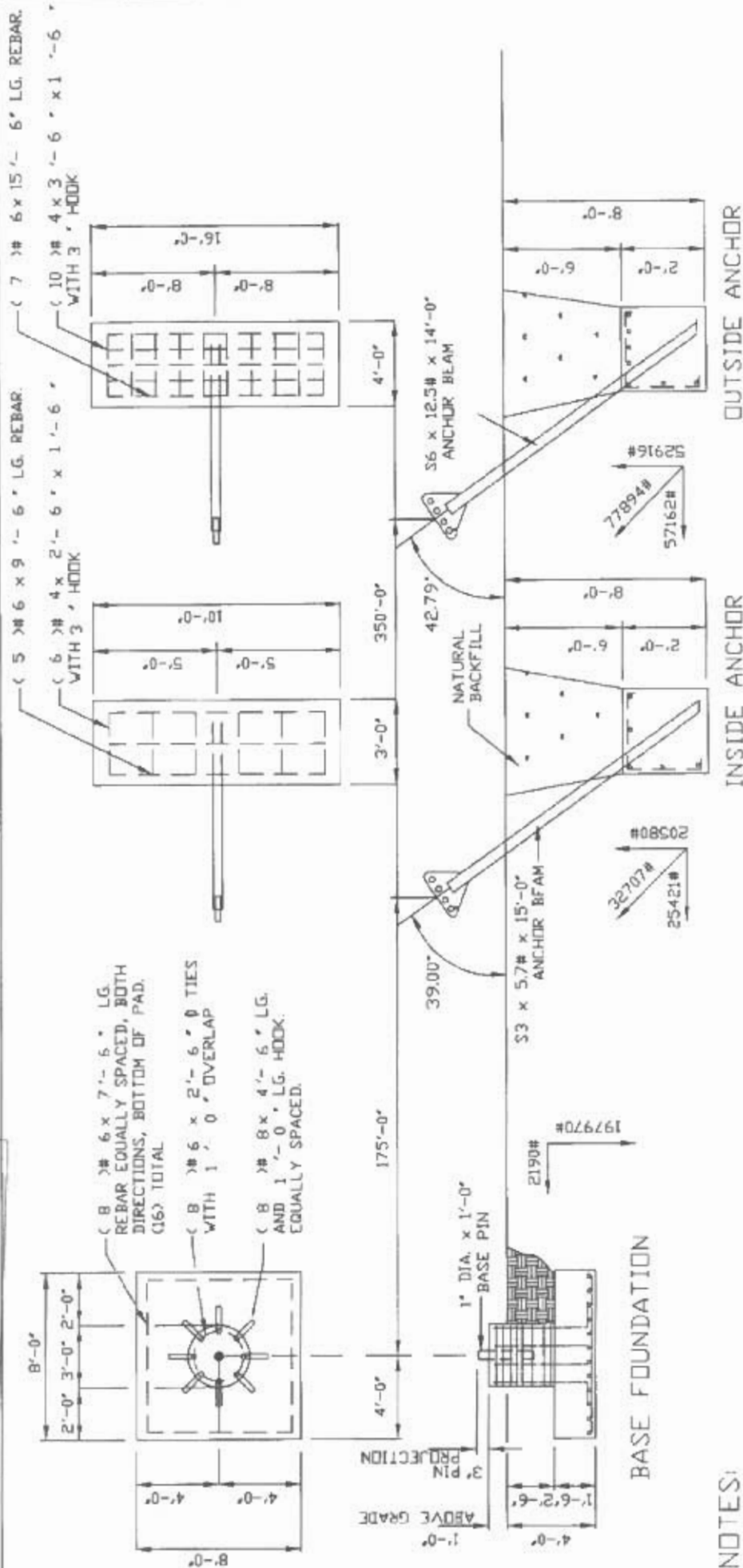
3. CONNECTION BOLTS ARE A-325 HIGH STRENGTH BOLTS (HOT DIP GALVANIZED) COMPLETE W/LOCK WASHERS AND HEAVY HEX NUT. BASE PIN, U-BOLTS, J-BOLTS, ETC., ARE A-36 BOLTS (HOT DIP GALVANIZED) COMPLETE W/LOCK WASHERS AND HEAVY HEX NUT.

4. TOWER, GUYWIRES, AND ACCESSORIES ARE HOT DIP GALVANIZED IN ACCORDANCE WITH ASTM A-123 FOR STRUCTURAL STEEL, ASTM A-475 OR ASTM A-586 FOR GUYWIRES, ASTM A-153 OR ASTM B-695 CLASS 65 FOR HARDWARE.



NO.	DATE	REVISION	BY	Design	Fabrication	Installation	Service	DRAWING NO.: B-23769		
								498' M36/24SR AMERICAN FAMILY RADIO BEATRICE, NE.	SCALE: N.T.S.	JOB NO.: 17283R1
									DRAWN BY: RGM	DATE: 3-17-06

County Special Permit #06023 S 54th St & Pella Rd



NOTES:

1. CONCRETE TO HAVE 3000 PSI MIN COMPRESSIVE STRENGTH WITH IN 28 DAYS.
2. REBAR TO HAVE 3" MIN. CONCRETE COVER, REBAR IS 60 KSI. MIN.
3. ANCHORS TYPICALLY @ 120 AROUND BASE PIN (3 PLACES).
4. FOUNDATION IS DESIGNED IN ACCORDANCE WITH EIA TIA 222-F FOR (NORMAL SOIL).
5. CONCRETE: 4.5 CU YDS. BASE
2.2 CU YDS. PER INSIDE ANCHOR
4.7 CU YDS. PER OUTSIDE ANCHOR
25.2 CU YDS. TOTAL

NO. DATE

REVISION

BY

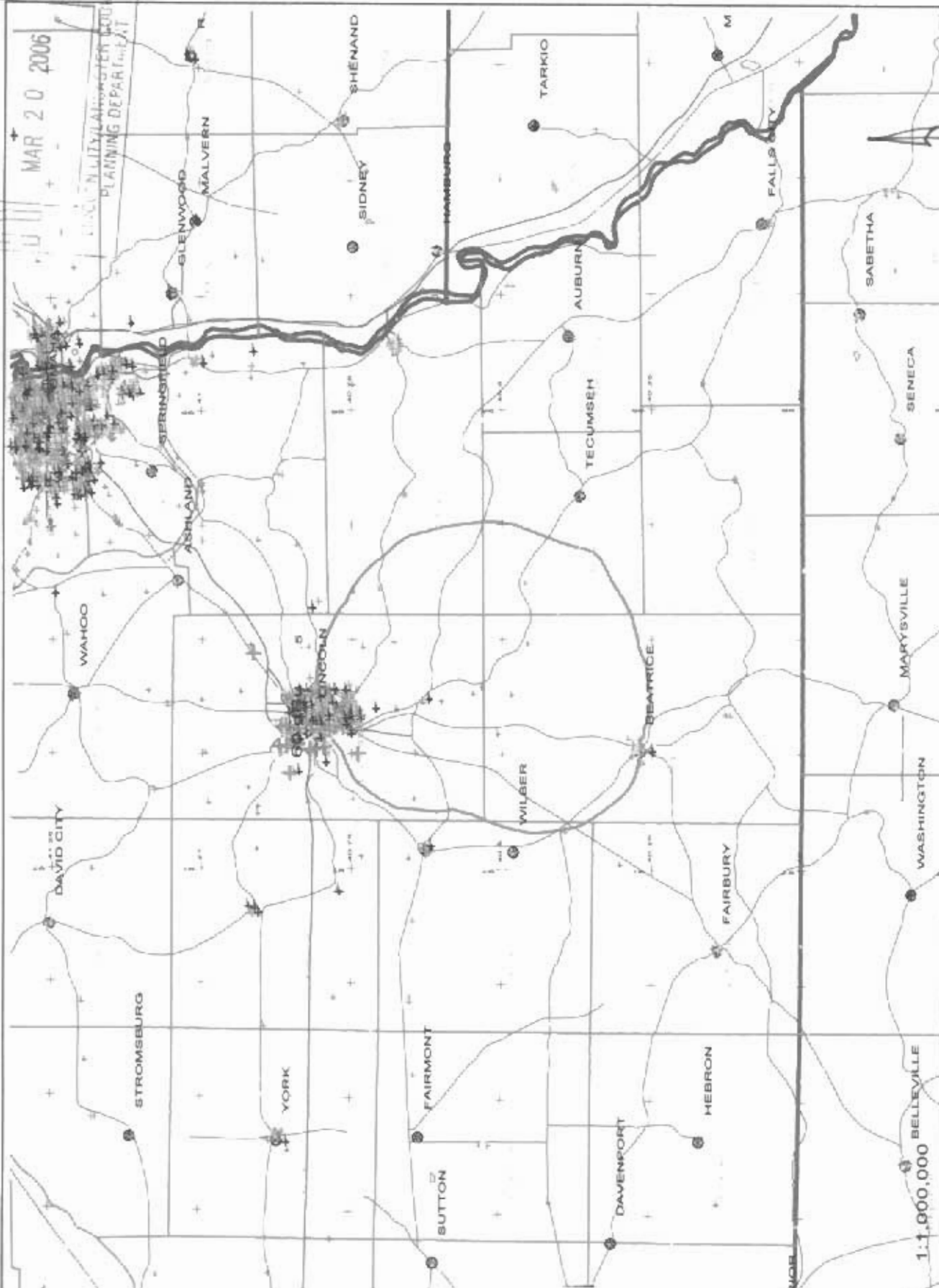
RECEIVED
MAR 20 2006
COUNTY OF HENRY
PLANNING DEPARTMENT



County Special Permit #06023
S 54th St & Pella Rd

Equip. Bldg

**County Special Permit #06023
S 54th St & Pella Rd**



RECEIVED
MAR 20 2006
PLANNING DEPARTMENT

980721 205A 6kW 568M AMSL
N. Lat. 40 33 03 W. Lng. 96 38 45
980721
- 03/06

Scale in km
0 10 20 30 40 50 60 70
1:1,000,000
BELLEVILLE

AMERICAN FAMILY RADIO

P. O. Drawer 3206 • 107 Parkgate • Tupelo, Mississippi 38803

662-844-8888 • FAX 662-842-6791

March 17, 2006

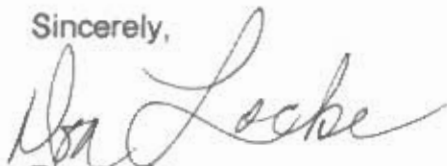
Mr. Bryan Will
Lancaster County Planning Commission
555 South 10th Street
Lincoln, Nebraska

Dear Mr. Will:

Enclosed is our application for the tower site near Firth. I have e-mailed a copy of the Application form to Mr. Paschold, the landowner for his signature. He will mail it to you along with his letter authorizing me to make this application on his property.

I believe everything is in order; however, if you find that I have omitted something, please contact me immediately.

Sincerely,



Don Locke
Site Coordinator
Phone: 662-844-8888, Ext. 258
FAX: 662-844-9090
E-mail: dlocke@afa.net

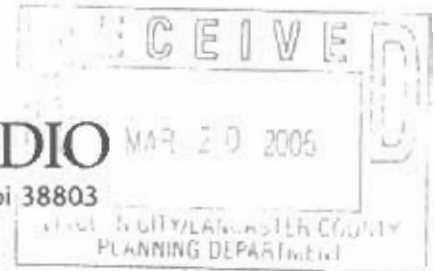


AMERICAN FAMILY RADIO

P. O. Drawer 3206 • 107 Parkgate • Tupelo, Mississippi 38803

662-844-8888 • FAX 662-842-6791

March 17, 2006



American Family Radio is asking for permission to build a 498 foot tower at the location indicated on the application form because there are no existing towers in the area that will serve our purpose. A tower of this height is needed in this location in order to get a listenable radio signal into Beatrice and Lincoln (See coverage map).

The process to determine the area in which to locate a radio tower is as follows:

1. A search is done to determine if a frequency is available that would allow a signal to cover the desired area. Being a non-commercial station our frequency must be from 88.1 FM to 91.9 FM. If such a frequency is available, application is made to the Federal Communications Commission to have that frequency assigned to the applicant.
2. If and when AFR is assigned the frequency, we do a study to determine the best location for the tower. There are three primary criteria that must be met by a tower location.
 - a. The signal will cover the area that is desired with a listenable signal (60 dbu).
 - b. The signal will not cause interference with an existing station that is on or near your assigned frequency.
 - c. The overlap area of our signal and that of Educational Television (Channel 6) will contain no more population than the FCC prescribed limits.
3. If either items b or c cannot be achieved, the FCC will not allow a tower on that site. The site for which we are applying meets all three of the above criteria.
4. A search is made with a computer program that will show where the three above criteria will be met. The size of the area that qualifies depends on desired signal area, the location of existing stations on or near that frequency, and the population of the area.
 - a. When the general area is determined, a representative of American Family Radio is sent to the area to find someone who is willing to sell property in the defined area for the tower site.

- b. Once a purchase has been negotiated with a landowner, an application is filed with the FCC for a Construction Permit for the tower on that site. An application is also filed with the Federal Aviation Administration for permission to build a tower of the desired height at the same location.
- c. Both of these applications must be granted before we are allowed to begin building the tower.

Following are responses to items listed under 10.009 Application Requirements.

- (1) The plot plan is enclosed.
- (2) (vi) The distance from the tower to the nearest residence is approximately 1,100 feet and there is no residentially zoned properties in the immediate vicinity.
- (3) American Family Radio will build a six (6) foot cyclone fence around the tower compound and each guy anchor using barbed wire at the top of each fence for security. Access shall be through a locked gate. See enclosed drawing of tower compound.
- (4) The tower will be illuminated in compliance with FAA regulations. There will be dual lighting which includes white strobes during the daylight hours; these will turn off and the soft red lights will come on during the nighttime. The tower will have a galvanized finish rather than being painted red and white. No climbing devices will be attached to the tower lower than twenty feet.
- (5) All equipment at the site will be monitored on 24 hours a day, seven days a week. The equipment at this site so programmed that a phone call is automatically placed to our headquarters in Tupelo, MS whenever there is a malfunction. There is someone in place to receive such calls 24 hours a day, seven days a week. Upon receiving such a call, a broadcast engineer will call into the site through our computer system and attempt to correct the malfunction. Through this computer system the transmitter can be turned on or off, the power on it raised or lowered; the temperature of the room can be determined; whether tower lights are working or not; the voltage of the equipment determined and many other functions. When a malfunction cannot be corrected through the computer system, a broadcast engineer will be dispatched to the site. We strive to have local broadcast engineers under contract for each of our stations.
- (6) To the best of our knowledge, no environmental documents are required by any federal agency for this site.

- (d) This tower will be designed to accommodate at least two additional comparable providers.

American Family Radio hereby certifies that it intends to abide by all the applicable regulations contained in Article 10, "Personal Wireless Telecommunications Facilities."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Don Locke", written in a cursive style.

Don Locke
Site Co-ordinator

Attachments:

Survey of tower site (plot plan)
Signal coverage map
Tower compound drawing
Pictures of equipment building
Tower drawings

CALVIN PASCHOLD
27100 SOUTH 38TH
FIRTH, NEBRASKA 68358
March 16, 2006

Lancaster County Planning Commission
555 South 10th Street
Lincoln, Nebraska

To Whom It May Concern:

This is to authorize representatives of American Family Radio to make application for building an FM Radio tower on property that is currently owned by me and shown on the survey accompanying their application.

Thank you for your consideration of this application.

Sincerely,



Calvin Paschold



Lancaster

County

Engineering


Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: March 22, 2006

TO: Mike DeKalb
Planning Department

FROM: Larry V. Worrell 
County Surveyor

SUBJECT: KNBE - FM RADIO TOWER
SPECIAL PERMIT NO. 06023

Upon review, this office has no direct objections as proposed to this
submittal.

LVW/bml

MAR 23 2006



AREA 2
SERVICE CENTER

R.R. 1 BOX 56
ROCA, NEBRASKA 68430
402/423-3855
FAX 402/423-8090

March 23, 2006

Mike Dekalb, Project Planner
555 S. 10th St. #213
Lincoln, NE 68508

RE: KNBE TOWER

Dear Mike,

I have reviewed the subject plat. The Norris District has no conflicts with this project. We would, however, request a 10' easement adjacent to the south side of the 15' access easement that opens into the parking area in the interest of utility installation.

Thanks for your consideration in this matter.

Sincerely,


Rick Volmer, Staking Engineer

*All told
also want
an easement
with Norris*





"Large, Jon"
<JLarge@LincolnAirport.com>

04/07/2006 05:00 PM

To: <mdekalb@ci.lincoln.ne.us>
cc:
bcc:
Subject: Special Permit #SP06023

Mike:

I apologize for the delay in responding with comments on this radio tower proposal. Although this proposed tower is outside of the airport environs district and the area covered by height restriction zoning, I am concerned with the height of the tower.

We had a tower constructed a few years ago that increased our minimum descent altitude and required some changes to the terminal enroute procedures for aircraft approaching the airport. While this proposal seems a long ways from the airport, I would like to do a more thorough review before I provide comments

If you could indulge me a little more time, I would appreciate it.

Jon L. Large, P.E.

Deputy Director – Engineering

Lincoln Airport